



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शनिवार, २८ मार्च, १९७०/७ चैत्र, १८६२

GOVERNMENT OF HIMACHAL PRADESH

VIDHAN SABHA SECRETARIAT

NOTIFICATION

Simla-4, the 25th March, 1970

No. 1-11/70-VS.—In pursuance of Rules 135 of the Rules of Procedure and Conduct of Business of the Himachal Pradesh Legislative Assembly, 1964 “The Himachal Pradesh Essential Services (Maintenance)

Bill, 1970 (Bill No. 5 of 1970)" as introduced in the Himachal Pradesh Legislative Assembly on the 24th March, 1970 is hereby published in the Himachal Pradesh Government Gazette.

R. C. SHARMA,
Under Secretary.

Bill No. 5 of 1970

THE HIMACHAL PRADESH ESSENTIAL SERVICES (MAINTENANCE) BILL, 1970

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A BILL

to make provisions for the maintenance of certain essential services.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Essential Services (Maintenance) Act, 1970.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of Himachal Pradesh.

(3) It shall come into force at once.

2. In this Act, unless there is anything repugnant in the subject or context,—

Definitions.

(1) "Employment" includes employment of any nature and whether paid or unpaid;

(2) "Government" or "State Government" means the Administrator of Union territory of Himachal Pradesh.

3. This Act shall apply to all employment under the State Government and to any employment or class of employment which the State Government, being of opinion that such employment or class of employment is essential for securing the public safety, the maintenance of public order, health or sanitation, or for maintaining supplies or services necessary for the life of the community, may, by notification in Rajpatra, Himachal Pradesh, declare to be an employment or class of employment to which this Act applies.

Employ-
ment to
which this
Act applies.

4. (1) The Government or an officer authorised in this behalf by the Government may, in respect of any employment or class of employment to which section 3 applies, by general or special order, direct that any person or persons engaged in such employment shall not depart out of such area or areas as may be specified in such order.

Power to
order
persons
engaged in
certain em-
ployments
to remain
in specified
areas.

(2) An order made under sub-section (1) shall be published in such manner as the Government/or officer making the order considers best calculated to bring it to the notice of the persons affected by the order.

5. Any person engaged in any employment or class of employment to which this Act applies who—

Offences.

(a) disobeys any lawful order given to him in the course of such employment, or

(b) without reasonable excuse abandons such employment or absents himself from work, or

(c) departs from any area specified in an order under sub-section (1) of section 4 without the consent of the authority making the order, and any employer of a person engaged in an employment or class of employment declared under section 3 to be an employment to which this Act applies, who without reasonable cause—

(i) discontinues the employment of such person, or

(ii) by closing an establishment in which such person is engaged, causes the discontinuance of his employment,

is guilty of an offence under this Act.

Explanation I.—The fact that a person apprehends that by continuing in his employment he will be exposed to increased physical danger is not a reasonable excuse within the meaning of clause (b).

Explanation II.—A person abandons his employment within the meaning of clause (b) who, notwithstanding that it is an express or implied term of his contract of employment that he may terminate his employment on giving notice to his employer of his intention to do so, so terminates his employment without the previous consent of his employer.

Regulation
of wages
and condi-
tions of
service.

6. (1) The State Government may make rules regulating or empowering a specified authority to regulate wages and other conditions of service of persons or of any class of persons engaged in any employment declared under section 3 to be an employment or class of employment to which this Act applies.

(2) When any such rules have been made or when any directions regulating wages or conditions of service have been given by an authority empowered by such rules to give them, any person failing to comply therewith is guilty of an offence under this Act.

Penalties
and proce-
dure.

7. (1) Any person found guilty of an offence under this Act shall on conviction by a competent criminal court be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

(2) Where the person accused of an offence under this Act is a company or other body corporate, every director, manager, secretary or other officer thereof shall, unless he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent the commission of the offence, be liable to the punishment provided for the offence.

(3) No court shall take cognizance of any offence under this Act except upon complaint in writing made by a person authorised in this behalf by the State Government.

(4) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence under this Act shall be cognizable.

5 of 1898

(5) Any magistrate or bench of magistrates empowered for the time being to try in a summary way the offences specified in sub-section (1) of section 260 of the Criminal Procedure Code, 1898, may, if such magistrate or bench of magistrates think(s) fit, on application in this behalf made by the prosecution, try any offence under this Act in accordance with the provisions contained in sections 262 to 265 of the said Code.

5 of 1898

Bar of
legal pro-
ceedings.

8. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

Effect or
orders,
rules, etc.,
made under
this Act.

9. Any declaration, order, rule or regulation made and any direction given under this Act shall have effect notwithstanding anything contained in any law other than this Act.

Repeal and
savings.

10. The East Punjab Essential Services (Maintenance) Act, 1947 as in force in the areas transferred to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966, is hereby repealed:

13 of 1947

Provided that any order made, notification or direction issued, appointment made or action taken in exercise of the powers conferred by or under the provisions of the Act so repealed, shall, in so far as it is not inconsistent with the provisions of this Act, continue in force and be deemed to have been made, issued, done or taken under the corresponding provisions of this Act as if this Act was in force on the day on which such thing was done or action was taken and all the provisions of this Act shall apply accordingly.

31 of 1966

STATEMENT OF OBJECTS AND REASONS

At present the East Punjab Essential Services (Maintenance) Act, 1947 is in force in the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966. But there is no corresponding law in force in the areas comprised in Himachal Pradesh immediately before the 1st November, 1966. With a view to bringing about uniformity and for securing the public safety, the maintenance of public order, health, sanitation, for maintaining supplies and other services necessary for the life of the community, it is necessary to have a law on the subject for the entire Himachal Pradesh. This Bill seeks to achieve the aforesaid object.

SIMLA:
The 24th March, 1970.

Y. S. PARMAR,
Chief Minister.

FINANCIAL MEMORANDUM

Nil

MEMORANDUM ON DELEGATED LEGISLATION

Clause 6 (1) of the Bill empowers the Government to make rules in respect of the matters enumerated therein. The proposed delegation is normal in character.

EXCISE AND TAXATION DEPARTMENT

NOTIFICATION

Simla-2, the 28th March, 1970

No. 14-8/67-E&T.—In exercise of the powers conferred by clause (a) to sub-section (1) of section 7 of the Himachal Pradesh Urban Immovable Property Tax Act, 1968, and all other powers enabling him in this behalf the Lieutenant Governor (Administrator) of Himachal Pradesh is pleased to order that the period of the current valuation list in respect of Simla rating area shall be extended by one year so that the new valuation list in respect of the said rating area comes into force on the 1st April, 1971, instead of the 1st April, 1970.

U. N. SHARMA,
Secretary.

LOCAL SELF GOVERNMENT DEPARTMENT
CORRIGENDUM

Simla-2, the 26th March, 1970

No. 1-6/66-LSG.—*Substitute the words “shall come into force with effect from 1-3-1970” for the words “shall come into force w.e.f. 1-1-1970” appearing in this Department notification of even number dated the 26th February, 1970.*

RUP LAL AHLUWALIA,
Under Secretary.